

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

JAMES SHAW,

Plaintiff,

VS.

CYNTHIA NELSON, et al.,

Defendants.

**CIVIL ACTION FILE
NO. 1:06-CV-2 (WLS)**

O R D E R

Although the discovery period herein had been closed for more than one month, the plaintiff on July 26, 2006, filed a motion in which he requested, "this Honorable court to open discovery in this civil action and to set the rules of discovery in this civil action." Counsel for defendants timely filed his response in opposition to plaintiff's motion pointing out the fact that the parties had already engaged in some discovery, and further that the plaintiff let sixty days of the ninety day discovery period run before seeking any discovery from defendants. On August 10, 2006, no doubt as the result of defendants' opposition to his motion, plaintiff moved the court to remove [withdraw] the motion to open discovery. In view of the above and foregoing, plaintiff's motion to withdraw his earlier filed motion is **GRANTED**.

Also on August 10, 2006, plaintiff filed a motion for an extension of discovery time. In view of the facts that the discovery period had been closed for a month and a half when plaintiff filed this motion, that the plaintiff let two-thirds of the discovery period run before engaging in any discovery, that plaintiff has already served interrogatories and requests for production of documents upon all defendants which have been responded to, and that the Federal Rules of

Civil Procedure apply to *pro se* litigants (*See Moon v. Newsome*, 863 F.2d 835 (11th Cir. 1989)), plaintiff's motion for an extension of the discovery period is denied.

SO ORDERED, this 15th day of November 2006.

/s/ Richard L. Hodge

RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE